

[EXTRAORDINARY | REGISTERED NO. S-2771

: "4%

THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

No. 122 QUETTA TUESDAY SEPTEMBER 09, 2014.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta 09" September, 2014.

No.PAB/Legis: V (24)/2014/967. The Balochistan Borstal Institutions Bill 2014, (Bill No. 24 of 2014), having been passed by the Provincial Assembly of Balochistan on 30" August, 2014 and assented to by the Governor, Balochistan on 374 September, 2014 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN BORSTAL INSTITUTIONS ACT, 2014 (ACT NO. XXIII OF 2014).

(First published after having received the assent of the Governor Balochistan in

the Balochistan Gazette (Extra-ordinary) dated 314 September, 2014).

Printed by the Controller, Government Printing and Stationery Department, Balochistan Quetta.
Price Rs. 160/= D.No-122-200-Copies-11-2014.

ho

Act

to provide for the establishment and regulation of Borstal Institutions in Balochistan and
for the matters connected therewith or ancillary thereto.

is

Preamble. WHEREAS it is expedient to provide for the establishment and regulation of Borstal Institutions in Balochistan for the detention of juveniles for their education and training for their mental, moral and psychological development;

AND WHEREAS it is necessary to take measures for the rehabilitation of juveniles and matters connected and incidental thereto;

It is hereby enacted as follows:—

Short title, 1. (1) — This Act may be called the Balochistan Borstal Institutions Act, 2014.

commence . .

— (2) It extends to whole of the Balochistan except the Tribal Areas.

(3) It shall come into force at once.

Definitions. 2, (1) In this Act, unless there is anything repugnant in

the subject or context,—

(a) “Act” means the Balochistan Borstal Institutions Act, 2014; .

(b) “Borstal Institution” means an institution established

‘under section 3 of the Act, where juveniles may be detained and given education and training for their mental, moral and psychological development;

(c) “Court” means a Juvenile Court or any other Court of competent Jurisdiction before whom a Juvenile is produced for inquiry or trial or which may pass or passed an order for conviction to a Juvenile accused in any offence.

(d) “Government” means the Government of Balochistan:

(d) “Incharge” means a person appointed by the Provincial

www.ezqanoon.com

Establishment
of Borstal
Institutions.

fod

Government as Incharge of Borstal Institution under
section 5 of the Act;

(€) "Inmate" means all those Juveniles who are placed and
detained in a Borstal Institution by an order of the
Court;

(f) "Juvenile" means a person who at the time of
commission of an offence has not attained the age of
eighteen years and includes a child and youthful
offender;

(g) "Offence" means an offence punishable under any law
for the time being in force;

(h) "Ordinance" means the Juvenile Justice System
Ordinance, 2000 (Ordinance No. XXII of 2000);

(i) "Parole Officer" means a person appointed by
Government to perform the function of Parole Officer
in the Reclamation and Probation Department under the
Good Conduct Prisoners Probational Release Act, 1926
(Act No. X of 1926) and rules framed and in force for
the time being;

(j) "Prescribed" means prescribed by rules made under
this Act; and

(k) "Province" means the Province of Balochistan.

(2) Words and expressions used in this Act but not herein
defined in subsection (1) shall have the same meanings as respectively
assigned to them in the Ordinance.

3. (1) The Government shall establish and maintain one or more
Borstal Institutions in each District of the Province or at such other place
or places as it may deem necessary, for the training and rehabilitation of
juveniles in such Borstal institution:

Provided that at least one Borstal Institution shall be established at
the Provincial Headquarter within a period of six month or within such
periods as the Chief Minister Balochistan may extend to its satisfaction, on
the request of concern authorities.

Principle of
Administrati
on.

Appointment
of Director,
Officers , staff
and Visiting
Committees.

Powers of
Courts to
direct the
juvenile to
be sent to a
Borstal
Institution.

Juveniles to
be admitted
in Borstal

www.ezqanoon.com

(2) All arrangements relating to education and training for their mental moral and psychological development, health, hygiene, medical care, accommodation, meeting and food shall be provided within the Borstal Institution in such manner as may be prescribed.

4. (1) The protection and rights of children deprived of their liberty as set out in the Schedule, shall be respected and ensured during their detention in the Borstal Institutions, by all the concerned staff, officers and authorities.

(2) The Government may amend the Schedule in such manner as it may deem necessary, by a notification in the Official Gazette.

5. (1) Government shall appoint a Director of the Borstal Institution with such other staff as it may deem fit for the purpose of this Act, who shall exercise, subject to the order of Government, general control and superintendence of all Borstal Institutions, the qualifications, functions and terms for the appointment of Director shall be as may be prescribed:

Provided that no person who belongs to any police service shall be eligible for such appointment.

(2) For every Borstal Institution the Government shall appoint an Incharge and such other officers and staff, as it may deem necessary.

(3) For every Borstal Institution a visiting committee shall be formed/appointed in such manner as may be prescribed.

6. Where on conclusion of an inquiry or trial, the Court finds that the juvenile has committed an offence, then notwithstanding anything to the contrary contained in any law for time being in force, the Court may, if it

deem fit—

(a) make an order directing the juvenile to be sent to a Borstal Institution until he attains the age of eighteen years or for the period of imprisonment whichever is earlier;

(b) reduce the period of imprisonment in the case where the Court is .

satisfied that further imprisonment shall be unnecessary.

Ts (1) No Juvenile shall be admitted into a borstal Institution, expect under a lawful order issued by a Court, addressed to Incharge of the

Institution.

Detention of
Female
Juveniles,

Release of
Juveniles,

uy

Borstal Institution to admit such Juvenile in the Borstal Institution.

(2) On admission to a borstal Institution, the Incharge, shall be responsible to receive the Juvenile, and shall maintain a register to record all requisite information about each inmate such as his name, parentage, complete address, education, section of law under which he is convicted, First Information Report number, name of police station where the First Information Report has been lodged, address of the Court concerned, date of production in Court, if any, and the term of detention.

(3) On admission to a Borstal Institution every Juvenile shall be examined by Medical Officer for diagnostic purposes of any present or future disease and for this purpose relevant medical tests of the juvenile shall be taken, the Medical Officer shall also record age, weight, height, identification marks and shall maintain or cause to be maintained a health report of every inmate the diagnostic report along with reports of medical tests shall also made part of the health report.

(4) The Medical Officer shall take appropriate steps for treatment of sick inmates for the purposes of any present and future disease.

(5) On admission to borstal Institution, a female juvenile shall be dealt by only female staff in all related matters.

8. (1) Female Juveniles shall be detained in separate enclosure of the Borstal Institution exclusively established for this purpose.

(2) In case there is no such enclosure, they shall be immediately transferred to any care home as ordered by the Court.

(3) Female Juveniles shall in no case be kept in a police lockup or prison.

9 (1) On receipt of written release order from the Court, the Juvenile shall be immediately released from the legal custody after due satisfaction into the validity of the release order.

(2) On release of every Juvenile, he or she shall be provided with a certificate by the Incharge of a Borstal Institution which may be helpful in his adjustment in the society, this or other educational certificates and certificates of any other accomplishment obtained during stay at Borstal Institution shall not in any way disclose the fact of any conviction or

detention of the juvenile.

Mentally
disordered
inmates.

Opportunity
to perform
remunerated
work,

6

10. (1) | Where it appears to the Incharge that any inmate is of unsound mind, the Incharge may order his removal to psychiatric facility or other place of safe custody within the Province, to be kept and treated as Incharge directs during the remainder of the term for which he has been ordered to be detained or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the inmate or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Incharge that an inmate so kept and treated has become of sound mind, Incharge shall, by a warrant directed to the person having charge of the inmate, if still liable to be detained, remand him to the Borstal Institution from which he was removed or to another Borstal Institution within the Province or, if he is no longer liable to be detained, order him to be discharged.

(3) The provisions of the Mental Health Ordinance, 2001 (Ordinance No. VIII of 2001) shall apply to every person so removed under subsection (1), after the expiration of the term for which he was ordered to be detained and the time during which an inmate is confined in a psychiatric facility under that subsection shall be reckoned as part of the term of detention which he may have been ordered to undergo.

(4) In any case in which Incharge is competent under subsection (1) to order the removal of an inmate to psychiatric facility or other place of safe custody within the Province, Incharge may order his removal to any such psychiatric facility, or place of safety within any other province by agreement with the government of such other province and the provisions of this section respecting the custody, detention, remand and discharge of an inmate removed under subsection (1) shall, so far as they can be made applicable, apply to an inmate removed under this sub section:

Provided order of removal of an inmate to any other psychiatric facility or other place of safe custody in any other province has to be approved by the Home Department of the Province from which such inmate so removed.

11. Wherever possible, inmates shall be provided with the opportunity to perform remunerated work in such manner as may be prescribed:

Provided that all protective national laws and international standards applicable to child labour and young workers shall apply to the inmates at Borstal Institutions.

Inspection
and
Complaints.

Discipline in
the Borstal
Institution.

Facility of
release on
parole for
Inmates.

Power to
make rules,

Terms and
conditions of

appointments.

12. Q) Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the Borstal Institution shall be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative in such manner as may be prescribed.

() Every inmate shall have an opportunity to make a request or complaint to an independent and impartial authority, without censorship as to substance in such manner as may be prescribed.

13. Discipline and Order shall be maintained in the Borstal Institution, but with no more restriction than is necessary for safe custody and maintenance of peace and order within the borstal Institution in such manner which may be prescribed.

14. (1) The Government shall provide the maximum facility of conditional release through parole to the inmates.

(2) The parole officer appointed in the district where Borstal Institution is situated shall be responsible to visit Borstal Institution regularly for the identification of inmates for their release on parole and to complete all relevant documents in the shortest possible time.

(3) — Juveniles released conditionally from Borstal Institution shall be assisted and supervised by the Reclamation and Probation Department through parole officer and shall receive full support of the department and the community.

(4) The parole officer shall be responsible for supervision, care and guidance of Juvenile for his or her constructive and productive role in society.

15. The Government may make rules for carrying out the purposes of this Act.

16. Notwithstanding anything contrary to the provisions of this Act, all the officers and staff appointed under this Act including the Director and Incharge of Borstal Institutions, shall deem to be Civil Servants and governed under the provisions of the Balochistan Civil Servants Act 1974 (Act No, IX of 1974) and the rules made their under or hereinafter made or adopted therefore.

Power to
remove
difficulties.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the official Gazette, make such provisions, not inconsistent with this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of twenty-four months from the commencement of this Act.

(2) Every notification issued under this section shall be laid before the Provincial Assembly.

I,

L

SCHEDULE

PROTECTION AND RIGHTS OF JUVENILES IN BORSTAL INSTITUTIONS

(See section 4)

PART -I

Records.

(a) All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment, should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a

way as to be easily understood.

(b) Where possible, every juvenile should have the right to contest any fact or opinion contained in his file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be a procedure as prescribed, that allow an appropriate third party on behalf of the

juvenile, to have access to and to consult the file on, request.

(c) Upon release, the records of juveniles shall be sealed, and, at an appropriate time, expunged.

No juvenile should be received in any detention facility, without a valid commitment order of a judicial, administrative or other public authority, —

(a) the details of commitment order should be immediately entered in a register to be maintained for the purpose in the Borstal Institutions; and

(b) no juvenile should be detained in any facility where there is no such register.

PART — II

Admission, Registration, Movement and Transfer.

In every place where juveniles are detained, a complete and secure record of the

following information should be kept concerning each juvenile received:

- (a) Information on the identity of the juvenile;
- (b) The fact of and reasons for commitment and the authority therefore;
- (c) The day and hour of admission, transfer and release;

(d) Details of the notifications to parents and guardians on every admission,

transfer or release of the juvenile in their care at the time of commitment;
and

(e) Details of known physical and mental health problems, including drug and alcohol abuse.

The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

As soon as possible after reception, full reports and relevant information on the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

On admission, all juveniles shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations in a language they can understand, together with the address of the authorities competent to receive complaints, as well as the address of public or private agencies and organizations which provide legal assistance. For those juveniles who are illiterate or who cannot understand the language in the written form, the information should be conveyed in a manner enabling full comprehension.

All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints, and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention.

The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred arbitrarily from one facility to another.

PART-II

I.

Classification and Placement.

As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and program required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the

I]

facility and the specific type and level of care and program required and to be pursued. When special rehabilitative treatment is required, and the length of stay in the facility permits, trained personnel of the facility should prepare a written, individualized treatment plan specifying treatment objectives and time-frame and the means, stages and delays with which the objectives should be approached.

The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offense, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

In all detention facilities juveniles should be separated from adults, unless they are members of the same family. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special program that has been shown to be beneficial for the juveniles concerned.

Open detention facilities for juveniles should be established. Open detention facilities are those with no or minimal security measures. The population in such detention facilities should be as small as possible. The number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community.

PART -IV

Physical Environment and Accommodation.

L.,

Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile detention facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There

should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Detention facilities should not be located in areas where there is known health or other hazards or risks.

Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be clean when issued, kept in good order and changed often enough to ensure cleanliness.

Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as he or she has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

To the extent possible juveniles should have the right to use their own clothing. Detention facilities should ensure that each juvenile has personal clothing suitable for the climate and adequate to ensure good health, and which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

=

PART —V

Education, Vocational Training and Work.

1.

Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programs integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programs.

Diplomas or educational certificates awarded to juveniles while in detention should not indicate in any way that the juvenile has been institutionalized.

Every detention facility should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals suitable for the juveniles, who should be encouraged and enabled to make full use of it.

Every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.

With due regard to proper vocational selection and to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform.

All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work should be such as to provide appropriate training that will be of benefit to the juveniles following release. The organization and methods of work offered in detention facilities should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

9. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the detention facility or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for his or her own use or to indemnify the victim injured by his or her offense or to send it to his or her family or other persons outside the detention facility.

PART - VI

Recreation,

1. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities.
2. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so wishes, to arts and crafts skill development.
3. The detention facility should ensure that each juvenile is physically able to participate in the available programs of physical education.
4. Remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

PART - VII

Religion.

1. Every juvenile should be allowed to satisfy the needs of his religious and spiritual life, in particular by attending the services or meetings provided in the detention facility or by conducting his own services and having possession of the necessary books or items of religious observance and instruction of his denomination.
2. If a detention facility contains a sufficient number of juveniles of a given religion, one or more qualified representative of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request.
3. Every juvenile should have the right to receive visits from a qualified representative of any religion of his choice, as well as the right not to participate in religious services and freely to decline religious education, counselling or indoctrination.

PART — VIII

Medical Care.

Li:

we

Every juvenile shall receive adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of the juvenile into society. Every detention facility for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

Any medical officer who has reason to believe that the physical or mental health of a juvenile has been or will be injuriously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the detention facility in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. Steps should be taken, by arrangement with appropriate agencies, to ensure any necessary continuation of mental health care after release.

Juvenile detention facilities should adopt specialized drug abuse prevention and rehabilitation programs administered by qualified personnel. These programs should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug or alcohol dependent juveniles.

~!

16

Medicines should be administered only for necessary treatment on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they must not be administered with a view to eliciting information or a confession, as a punishment or as a means of restraint. Juveniles shall never be testees in the experimental use of drugs and treatment. The administration of any drug should always be authorized and carried out by qualified medical personnel.

PART - 1X

Notification of Illness, Injury and Death.

L

ie

The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made accessible to the nearest relative. This inquiry should also be made when the death of a juvenile occurs within six months from the date of his or her release from the detention facility and there is reason to believe that the death is related to the period of detention.

A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

PART-X

Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair

ho

eo

and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programs and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

PART — XI

Limitations of Physical Restraint and the use of Force.

L

Recourse to instruments of restraint and to force for any purpose should be prohibited, except as set forth hereinafter at S\$. No. 2.

Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the Juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

The carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained.

PART —XH

Disciplinary Procedures.

ta

Lo)

Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care. namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited. including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family members should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing him or her return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

- (a) conduct constituting a disciplinary offence;
- (b) type and duration of disciplinary sanctions that may be inflicted:
- (c) the authority competent to impose such sanctions; and
- (d) the authority competent to consider appeals.

A report of misconduct should be presented promptly to the competent authority. which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless he has been informed of the alleged infraction in a manner appropriate to the full understanding of the juvenile, and given a proper opportunity of presenting his defence, including the right of appeal to a competent impartial authority. Complete records should be kept of all disciplinary proceedings.

6. No juveniles should be responsible for disciplinary functions except in the

supervision of specified social, educational or sports activities or in self-government programs.

PART — XI

Inspection and Complaints.

I.

Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorized representative.

Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible. In order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organizations which provide legal counsel or which are competent to receive complaints.

PART — XIV

Return to the Community.

to

All juveniles should benefit from arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the extent possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration. The representatives of agencies providing such services should be consulted and should have access to juveniles while detained, with a view to assisting them in their return to the community.

PART — XV

Personnel.

Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities

a)

depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance cooperation between the various services engaged in the care of juveniles, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

The director of a facility should be adequately qualified for his or her task, with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

(a) no member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, in-human or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever:

(b) all personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;

(c) all personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to

occur should report the matter to their superior authorities or organs vested with reviewing or remedial power:

all personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required:

all personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles of their families learned as a result of their professional capacity, and

all personnel should seek to minimize any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.

Secretary.